

ORDINANCE NO. 46-538

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND WIDENING OF KELLOGG AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for street improvements to Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A tract of land in Lot 1, Kellogg Mall Addition, in the Southeast Quarter of Section 19, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence Northerly along the West line of said Lot 1 a distance of 95.06 feet, said point being 216.45 feet North of the South line of said Southeast Quarter; thence Easterly a distance of 673.63 feet to a point on the east line of said Lot 1, said point being 92.90 feet North of the Southeast corner of said Lot 1 and 210.50 feet North of the South line of said Southeast Quarter; thence Southerly along the East line of said Lot 1 a distance of 92.90 feet to the Southeast corner of said Lot 1; thence Westerly along the South line of said Lot 1 a distance of 673.74 feet to the point of beginning.

A tract of land in Lot 1, Kellogg Mall Addition, in the Southeast Quarter of Section 19, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Beginning at the Southeast corner of said Lot 1; thence Northerly along the East line of said Lot 1 a distance of 174.00 feet to a point, thence Westerly a distance of 50.00 feet to a point 174.5 feet north of the South line of said Lot 1, thence Southerly a distance of 57.5 feet to a point 49.5 feet west of the East line of said Lot 1; thence Easterly a distance of 35.6 feet to a point 117 feet North of the South line of said Lot 1, thence Southerly a distance of 117.00 feet to a point on the South line 16.1 feet from the Southeast corner of said Lot 1; thence Easterly along the South line of said Lot 1 a distance of 16.10 feet to the point of beginning.

Lot 4, Kellogg Mall Addition except that portion platted as Rockwood South 2nd Addition, Wichita, Sedgwick County, Kansas

Temporary construction easements for driveway and road construction in and to the following-described tracts, to-wit:

A strip of land 10.00 feet wide for Easement purposes in Lot 1, Kellogg Mall Addition, in the Southeast Quarter of Section 19, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Commencing at the Southwest corner of said Lot 1; thence Northerly along the West line of said Lot 1 a distance of 95.06 feet to the point of beginning; said point being 216.45 feet North of the South line of said Southeast Quarter; thence continuing Northerly along the said West line of said Lot 1 a distance of 10.00 feet; thence Easterly a distance of 673.63 feet to a point on the east line of said Lot 1, said point being 102.90 feet North of the Southeast corner of said Lot 1; thence Southerly along the East line of said Lot 1 a distance of 10.00 feet to a point, said point being 210.50 feet North of the South line of said Southeast Quarter; thence Westerly a distance of 673.74 feet to the point of beginning

A strip of land 10.00 feet wide for Easement purposes in Lot 1, Kellogg Mall Addition, in the Southeast Quarter of Section 19, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Beginning at a point on the South line 16.10 feet West of the Southeast corner of said Lot 1; thence Northerly a distance of 117.00 feet to a point 13.90 feet West of the East line of said Lot 1, thence Westerly a distance of 10.00 feet to a point 117.00 feet North of the South line of said Lot 1; thence Southerly a distance of 117.00 to a point on the South line 26.1 feet from the Southeast corner of said Lot 1; thence Easterly along the South line of said Lot 1 to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County,

Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 1st day of March, 2005.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law